

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**MAXMILLIAN SLOLEY,**

**Plaintiff,**

**vs.**

**1:17-CV-068  
(TJM/DJS)**

**JAMES LEBOW and LEBOW  
& ASSOCIATES, PLLC,**

**Defendants.**

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**Thomas J. McAvoy,  
Sr. U.S. District Judge**

**DECISION & ORDER**

The Court referred this legal malpractice action, which arises from Defendants' representation of Plaintiff in a civil rights action in the Northern District of New York, to the Hon. Daniel J. Stewart, United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c). The October 29, 2018, Report-Recommendation, dkt. # 43, recommends that the Court strike the Answer of Defendant Lebow & Associates and direct the Clerk of Court to enter default against that Defendant.

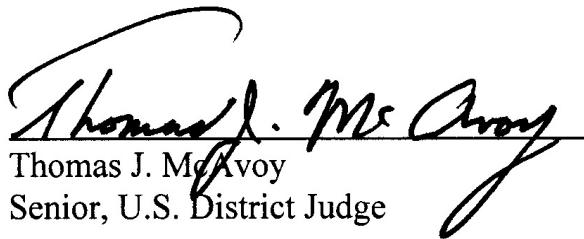
No party objected to the Report-Recommendation, and the time for such objections has passed. After examining the record, this Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice and the Court will accept and adopt the Report-Recommendation.

Accordingly,

The Report-Recommendation of Magistrate Judge Stewart, dkt. # 43, is hereby **ACCEPTED** and **ADOPTED** and the Answer of Defendant Lebow & Associates, dkt. # 33, is hereby **STRICKEN**. The Answer filed by Defendant Lebow, individually, remains. The Clerk of Court is hereby **DIRECTED** to enter default on the part of Defendant Lebow & Associates.

**IT IS SO ORDERED.**

Dated: December 12, 2018

  
Thomas J. McAvoy  
Senior, U.S. District Judge